

FORM 26. Docketing Statement

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July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

DOCKETING STATEMENT

Case Number: 24-1555

Short Case Caption: Trutek Corp. v. BlueWillow Biologics, Inc.

Filing Party/Entity: Trutek Corp. / Appellant-Plaintiff

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
Eastern District of Michigan	4:21-cv-10312	Civil - Patent Infringement

Relief sought on appeal: ☐ None/Not Applicable

Request reversal and Remand to District Court for trial.

Relief awarded below (if damages, specify): ☒ None/Not Applicable

Briefly describe the judgment/order appealed from:

District Court held that Plaintiff failed to prove marking of patent number and that Plaintiff is not entitled to damages.

Nature of judgment (select one):

Date of judgment: 2/2/24

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) _____

☐ Other (explain) _____

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Issues to be raised on appeal: ☐ None/Not Applicable

1) Whether the District Court abused its discretion by holding that Plaintiff failed to meet its burden to prove compliance with patent marking statute; 2) Whether the District Court abused its discretion by holding that Plaintiff is not entitled to receive damages from patent infringement.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
☒ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom?

Thomas Schehr (06/14/2022) and Patrick Seyferth (03/17/2023)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Mediators were appointed by the court twice. Plaintiff was always amenable to a mediated settlement. However, Defendant declined to negotiate.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

Date: 3/12/24 Signature: /s/ Stanley H. Kremen
Name: Stanley H. Kremen